

62A-14-105 Powers and duties of the office.

(1) The office shall:

- (a) before January 1, 2000, develop and operate a statewide program to:
 - (i) educate the public about the role and function of guardians and conservators; and
 - (ii) serve as a guardian, conservator, or both for a ward upon appointment by a court when no other person is able and willing to do so and the office petitioned for or agreed in advance to the appointment;
- (b) possess and exercise all the powers and duties specifically given to the office by virtue of being appointed as guardian or conservator of a ward, including the power to access a ward's records;
- (c) review and monitor the personal and, if appropriate, financial status of each ward for whom the office has been appointed to serve as guardian or conservator;
- (d) train and monitor each employee and volunteer, and monitor each contract provider to whom the office has delegated a responsibility for a ward;
- (e) retain all court-delegated powers and duties for a ward;
- (f) report on the personal and financial status of a ward as required by a court in accordance with Title 75, Chapter 5, Protection of Persons Under Disability and Their Property;
- (g) handle a ward's funds in accordance with the department's trust account system;
- (h) request that the department's audit plan, established pursuant to Section 63I-5-401, include the requirement of an annual audit of all funds and property held by the office on behalf of wards;
- (i) maintain accurate records concerning each ward, the ward's property, and office services provided to the ward;
- (j) make reasonable and continuous efforts to find a family member, friend, or other person to serve as a ward's guardian or conservator;
- (k) after termination as guardian or conservator, distribute a ward's property in accordance with Title 75, Chapter 5, Protection of Persons Under Disability and Their Property;
- (l) submit recommendations for changes in state law and funding to the governor and the Legislature and report to the governor and Legislature, upon request; and
- (m) establish, implement, and enforce rules.

(2) The office may:

- (a) petition a court pursuant to Title 75, Chapter 5, Protection of Persons Under Disability and Their Property, to be appointed an incapacitated person's guardian, conservator, or both after conducting a prepetition assessment under Section 62A-14-107;
- (b) develop and operate a statewide program to recruit, train, supervise, and monitor volunteers to assist the office in providing guardian and conservator services;
- (c) delegate one or more responsibilities for a ward to an employee, volunteer, or contract provider, except as provided in Subsection 62A-14-107(1);
- (d) solicit and receive private donations to provide guardian and conservator services under this chapter; and
- (e) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
 - (i) effectuate policy; and
 - (ii) carry out the office's role as guardian and conservator of wards as provided in this chapter.

Amended by Chapter 75, 2009 General Session